

Rural Municipality of Cana No. 214

RURAL MUNICIPALITY OF CANA NO. 214
BYLAW NO. Z2- 2016

A Bylaw of the Rural Municipality of Cana No. 214 to adopt a Zoning Bylaw.

Whereas Section 46 of the Act authorizes council to prepare and adopt a zoning bylaw for all or part of the municipality in conjunction with the adoption of an official community plan;

Whereas, in accordance with Section 207 of the Act, the Council of the Rural Municipality of Cana No. 214 held a Public Hearing on _____in regards to the proposed bylaw, which was advertised in a weekly paper on _____and _____, in accordance with the public participation requirements of the Act;

Therefore, the Council for the Rural Municipality of Cana No. 214 in the Province of Saskatchewan, in open meeting hereby enacts as follows:

1. This bylaw may be cited as "The R. M. of Cana No. 214 Zoning Bylaw".
2. The Zoning Bylaw be adopted, as shown on Schedule 'A', attached to and forming part of this bylaw.
3. Bylaw No. 7-81 as amended shall be repealed upon the adoption of this Bylaw coming into force and effect;
4. This bylaw shall come into force on the date of final approval by the Minister of Government Relations.

_____

REEVE *SEAL*

_____

ADMINISTRATOR

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Section 1 - Introduction

1.1 Title

This Bylaw shall be known as the “Zoning Bylaw of the Rural Municipality of Cana No. 214”

1.2 Purpose

The purpose of this Bylaw is to regulate development in the Rural Municipality of Cana No. 214 so as to provide for the amenity of the area and for the health, safety and general welfare of the inhabitants of the municipality.

1.3 Scope

All development within the limits of the Municipality shall be in conformity with the provisions of this Bylaw.

1.4 Validity

If any section, clause, part or provision of this Bylaw, including anything shown on the Zoning District Map, is declared to be invalid for any reason, by an authority of competent jurisdiction, the validity of the Bylaw as a whole, or any other section, clause, part or provision of this Bylaw will not be affected.

Section 2 – Administration

2.1 Development Officer

The Administrator of the Rural Municipality of Cana shall be the Development Officer responsible for the administration of this Bylaw.

2.2 Application for a Development Permit

a. Every person shall obtain a development permit before commencing any development within the Municipality, except those developments that are listed as exempt in each district.

b. The completed development permit application shall include:

- A description of the intended use or proposed development including any change in building use or land use change
- Legal land description
- The signature of the applicant and the registered landowner(s)
- A copy of the Certificate of Title or other proof of ownership.
- Estimated commencement and completion dates
- Floor Plans and elevations of the proposed development (which will be kept at the Municipal Office for future reference).
- Any other information needed to assess the application.
- An attached site plan which shall include:
- All adjacent roads, highways, service roads and access to the site (label on site plan)
- Rights-of-ways and easements (gas, oil, power, drainage easements, etc.)
- All drainage courses
- Location of proposed development
- Existing development on the site
- Landscaping details (existing trees, removal of trees, proposed plantings, berming, water features, etc.)
- Setbacks to property line, road and services
- Top of bank and water
- Existing and proposed services:
- Location of well or cistern
- Method and location of sewage disposal
- Sign location and details like artwork, colors, size, lights, etc.
- Parking and loading facilities
- Sidewalks, patios, playgrounds
- North arrow
- Any additional information deemed necessary by Council or the Development Officer

2.3 Referral of Application

a. The Development Officer may refer any application to Council for a decision on the interpretation of the Bylaw or regarding special conditions provided for in the Bylaw, and shall inform the applicant of the date and time when Council will consider the matter. Council or the Development Officer may require the applicant to provide further information necessary to render a decision.

b. The Development Officer may refer the application to any internal or external departments or organizations for review or comment.

2.4 Issuing Permits

a. The Development Officer shall:

i. For a permitted use, issue a development permit in writing where the application conforms with the Zoning Bylaw, incorporating any regulations, criteria or standards authorized by this Bylaw;

ii. For a permitted use, issue a refusal in writing where the application does not comply with a regulation or standards of this Bylaw, stating the reason for refusal and the applicants right to appeal; and

iii. For a discretionary use, prepare a report for Council on the proposal discussing or examining the criteria for consideration of that discretionary use and submit the application to Council for decision.

b. Council shall:

i. Make a decision on a discretionary use, by resolution, that approves or refuses the discretionary use on that site and that instructs the Development Officer to:

1. issue a development permit in writing incorporating any specific development standards set by Council, where the development complies with the regulations, criteria or standards authorized by this Bylaw; or

2. issue a notice of refusal in writing to the applicant stating the reasons for the refusal, referencing the specific discretionary use criteria the application did not meet and, stating the reason for refusal and the applicants right to appeal.

c. Notice for a Discretionary Use Application

i. Prior to Council's consideration, the Development Officer shall circulate any application for a discretionary use to adjacent property owners or advertised in the local newspaper to obtain public input on the proposed development.

ii. The following provisions apply to the advertisement of a discretionary use application:

1. The Development Officer shall mail or deliver a copy of the notice to the assessed owner of each property within 75 m.
2. Any other owners the Development Officer feels should be notified or who may have an interest in the land.

3. The notice shall describe the use applied for, describe the location of the use, and specify the date, time, and location of the Council meeting at which the application will be considered; and
4. The notice shall be received by the recipient least seven days prior to the date of the meeting in which Council will consider the application.

d. Minor Variance

i. Council may vary the requirements of this Zoning Bylaw for the:
1. minimum required distance of a building from the parcel line; and
2. minimum required distance of a building to any other building on the parcel.

ii. The maximum amount of variance given by Council shall not exceed 10% from the requirements established in this Zoning Bylaw;

iii. The application will be assessed on the following:
1. the development must conform to the land use requirements in this Bylaw;
2. the use shall not injuriously affect neighbouring properties; and
3. the use must be consistent with the Statements of Provincial Interest Regulations and other provincial land use policies.

iv. The Development Officer shall prepare a report for Council on the proposal discussing or examining the criteria for consideration. Council shall make a decision on the application to approve, approve with conditions or refuse the minor variance;

v. If the application is approved, with or without conditions, the Development Officer shall provide written notice, delivered by registered mail or personal service, to the applicant and to the assessed owners of property who have a common boundary with the applicant's subject land. The notice shall contain a summary of the application, reasons for approval and the effective date of the decision;

vi. The assessed property owners may lodge a written objection to the RM, in accordance with the timeframe established in Section 60(9) of *The Planning and Development Act, 2007*. If an objection is lodged, the approval is deemed to be revoked and the Development Officer shall notify the development permit applicant, in writing, of the revocation of the approval and the applicants write to appeal the revocation to the Development Appeals Board within 30 days after receiving the notice;

vii. If the application is refused, the Development Officer shall provide written notice to the applicant and provide reason for the refusal. The applicant may appeal

the refusal to the Development Appeals Board within 30 days of that decision; and

viii. The Development Officer shall keep a record of all approved minor variance applications.

e. Notice of Decision

i. The permit and notice of decision for any development permit application shall be in the form as adopted or amended by resolution of Council.

ii. The applicant shall be notified in writing of the decision of the application and advised of any right to appeal the decision to the Development Appeals Board, subject to the provisions of *The Planning and Development Act, 2007.*

f. A new development permit approval is required when:

i. The approved use ceases and is replaced by another use

ii. The approved use ceases for a 12 month period

iii. The development or use is not started within 12 months

iv. The intensify of use increases

g. Council is deemed to have granted discretionary approval to a use, or specific intensity of use, that becomes discretionary on a site as a result of the adoption or amendment of this Bylaw, as of the date that this Bylaw or amendment comes into effect.

h. A development permit shall not be issued for any use in contravention of any of the provisions of this Bylaw or the Official Community Plan.

2.5 Building Permits, Licenses, and Compliance with Other Bylaws

a. Nothing in this Bylaw shall exempt any person from: complying with a Building Bylaw or any other Bylaw in force within the Municipality; or from obtaining any license, permission, permit, authority or approval required by this or any other Bylaw of the Municipality, the province or the federal government.

b. A building permit, where required, shall not be issued for a development unless a required development permit has been issued. A building permit issued before a development permit is not valid until the required development permit has been issued.

c. Where the provisions of this bylaw conflict with those of any other provincial or federal requirements, the higher or more stringent regulations shall prevail.

2.6 Development Appeals

a. Council shall appoint a Development Appeals Board (The Board) in accordance with Section 49 and 214 to 218 of *The Planning and Development Act, 2007.*

b. The composition of the Board, the secretary, remuneration and expenses, powers, duties and responsibilities shall be as per Council's policy which shall be adopted by resolution.

c. The Development Appeals Board has the authority to hear an appeal in accordance with *The Planning and Development Act, 2007* (see Section 219)

i. The approval of a development permit where it is alleged the Development Officer misapplied the zoning bylaw in making a decision on the proposal.

ii. The refusal of the Development Officer to issue a development permit because the proposal contravenes the Zoning Bylaw.

iii. Council's approval of a discretionary use with development standards or conditions (only the conditions or standards may be appealed).

iv. An order to repair or correct contraventions under a Nuisance Bylaw, Property Maintenance Bylaw and/or Zoning Bylaw adopted under *The Municipalities Act* (Sections 364 and 365) or *The Planning and Development Act, 2007* (Section 242).

d. The Development Appeals Board does not have the authority to hear an appeal based on:

i. A discretionary use application is refused

ii. Council refuses to amend a zoning bylaw or rezone land

iii. A decision concerns a subdivision application

e. Anyone starting an appeal must send written notice of appeal to the Secretary of the Development Appeals Board within:

i. 30 days of a Development Officer's decision being issued;

ii. 30 days of the failure of a Council to make a decision;

iii. 30 days of receiving a permit with terms and conditions; or

iv. 15 days if appealed under *The Municipalities Act,* or 30 days under *The Planning and Development Act, 2007,* of an order being served to repair or correct contraventions.

f. The Board must hold a public hearing on the appeal within 30 days of receiving a notice of appeal

g. At least ten days before the hearing, the Board must notify affected parties about the hearing. The notice must be served by personal service, ordinary mail or registered mail.

h. In making an appeal to the District Development Appeals Board, and hearing such appeal, the provisions of *The Planning and Development Act, 2007* shall apply.

2.7 Amending the Zoning Bylaw

a. The RM may consider an amendment to this bylaw on its own initiative or upon request.

b. Any person, other than the RM itself, who seeks to amend this Zoning Bylaw must submit an application for amendment to the Development Officer who shall review and then refer the application to Council for consideration.

c. The amendment application is subject to fees as set out in the Municipal Fees Bylaw.

d. Prior to Council's review, the Development Officer may refer the amendment application to any internal or external departments or organizations for review or comment (ie. provincial departments, interested stakeholders, etc.).

e. The process for public notification and public participation during the Bylaw adoption process shall be as per the regulations of *The Planning and Development Act, 2007*.

f. Premature rezoning of land for development shall not be practice.

g. Council shall consider Zoning Bylaw amendments to accommodate proposals, only when specific development proposals, subdivision applications, servicing agreement and other information, as the case may be, have been presented to and reviewed by Council.

2.8 Agreement for Services

a. As per the policies in the Official Community Plan, the RM may require a developer to enter into an agreement to pay for or provide services to either a subdivision or individual development, in accordance with *the Act.*

b. The RM may require the applicant to post and maintain a performance bond, irrevocable letter of credit or similar legal mechanism to ensure performance and to protect the public interest.

c. The RM will require the applicant to provide and maintain liability insurance to protect the applicant, municipality and the public.

d. The RM will ensure there is adequate municipal infrastructure and other public facilities prior to entering into the Agreement with the applicant, which may include sewage disposal, garbage disposal, availability and adequacy of source of water, recreational facilities, etc.

2.9 Fees and Advertising

a. The fees related to the Zoning Bylaw and Official Community Plan shall be set out in the Municipal Fees Bylaw.

b. All advertising shall be as per the requirements of *The Planning and Development Act, 2007.*

c. The RM may require any application to be reviewed by planning, engineering, legal or other professionals with the cost of this review being borne by the applicant.

2.10 Offences and Penalties

a. Pursuant to Section 242 of *The Planning and Development Act, 2007* the Development Officer may issue a written order to the owner, operator or occupant of the land, building or premises for any contravention to this Zoning Bylaw or the Official Community Plan.

b. Any person who violates this Zoning Bylaw is guilty of an offence and is liable, on summary conviction, to the penalties outlined in Section 243 of *The Planning and Development Act, 2007.*

Section 3 – General Regulations

The following regulations shall apply to all lands within the Rural Municipality of Cana No. 214:

3.1 Environmental Management and Hazard Lands

a. Where land which is prone to slumping, subsidence, erosion or any other instability is proposed for development, Council shall require the developer to pay for the inspection of the property by a qualified professional consultant and submit a report on the findings. If such inspection is not done, or having been done, finds that excessive remedial measures are necessary to safely accommodate any of the above types of development, Council shall not be required to issue a development permit.

b. The report, prepared by a professional that is competent to assess the suitability of the proposed development site, shall include:

   i. The potential for flooding up to the 1:500 flood elevation;

   ii. The potential for slope instability before and after the development and any proposed improvements (slope assessment);

   iii. The suitability of the location for the proposed use or building given the site constraints;

   iv. Other environmental hazard information; and

   v. The required mitigation measures if development is allowed to proceed. These measures may be attached as a condition for the development permit approval.

c. Additional requirements for development within the flood plain of a river or stream include restricting development that falls within the 1:500 year flood elevation level as per the policies in the Official Community Plan and in accordance with the Statements of Provincial Interest Regulations.

d. Sanitary landfills and lagoons shall not be located on hazard lands.

e. Actions to avoid, prevent, mitigate or remedy hazards may be incorporated as conditions of any development permit.

f. A development permit will be refused if the proposed actions by the developer are inadequate to address the adverse conditions or will result in excessive municipal costs.

3.2 Number of Principal Buildings, Residences, Uses on a Parcel

a. Only one principal building or use per site shall be permitted on any one site excluding: public utilities and related uses, institutional uses, agricultural uses, communal dwellings and related uses, parks, hospitals, recreation facilities, approved ancillary uses as specifically provided for in this Bylaw, mineral and resource developments and approved dwelling groups.

b. Council may, at its discretion, issue a development permit for additional principal uses or buildings in the Commercial and Agricultural District.

c. Only one residence shall be allowed on a titled area unless:

   i. A second or other additional residences are required on an agricultural parcel of at least 32.37 ha (80.0 ac) in size, agriculture is the principal use of the parcel, and the residence is to be occupied by a person who is engaged in the agricultural operation

   ii. A multiple dwelling unit or communal dwellings are allowed in accordance with this Bylaw

d. Additional residences shall be subject to the development regulations for the applicable district.

e. A development permit application for an additional residence will not be approved unless the additional residence is designed, sited, constructed, and finished in a manner that is visually compatible and harmonious with the character of the surrounding residential developments.

f. Temporary uses may be permitted on a site where a principal development already exists at Council's discretion.

3.3 Non-conforming Uses, Sites and Buildings

a. The adoption or amendment of this Bylaw does not affect non-conforming buildings, non-conforming uses or non-conforming sites.

b. An existing non-conforming use or intensity of use may continued if the use existed when this Bylaw was adopted and has not been discontinued for 12 consecutive months.

c. Non-conforming buildings or sites may continue to be used, maintained and repaired in their present form.

3.4 Signs and Billboards

a. Signs located in a Highway Sign Corridor shall be regulated entirely by the requirements of "The Erection of Signs Adjacent to Provincial Highway Regulations, 1986" or amendments thereto, and do not require a development permit from the RM of Cana.

b. Signs other than those located in a Highway Sign Corridor shall comply with the following:

i. The following signs are allowed:

1. A sign that advertises agricultural commercial uses, home based businesses, the principal use of a site, or the principal products offered for sale on the site
2. Signs with no advertising, including government signs, memorial signs, directional signs, traffic control, no trespassing, hunting restrictions, farmyard identification signs and similar signs
3. Temporary signs and real estate signs, which shall be promptly removed after they are no longer needed

ii. A maximum of two advertising signs is permitted on a titled area.

iii. Billboard and other off-site advertising signs are prohibited.

vi. All private signs shall be located so that no part of the sign is over a public right of way.

vii. The maximum facial area of a sign shall be 4’ x 8’ and a sample of the sign artwork shall be submitted for review prior to installation.

3.5 Storage of Vehicles

a. Notwithstanding anything contained in this Bylaw, no site shall be used for the parking or outside storage of junked vehicles, which includes any automobile, tractor, truck, trailer or other vehicle that:

i. Has no valid license plate or is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or in an abandoned condition;

ii Is located on private land; or

iii. Is not located within a structure erected in accordance with this bylaw.

b. Section 3.5 (a) shall not apply to lands that have received a development permit for a salvage yard or similar type development.

c. All permitted salvage yards shall be screened from roadways or neighbouring properties with landscaping, fences or a combination of both.

d. The use of an abandoned vehicle, or unlicensed vehicle or truck trailer unit for the purpose of a sign is prohibited.

3.6 Public Utilities, Pipelines, and Facilities of the Municipality

a. Public utilities and facilities of the RM, except solid and liquid waste disposal sites, shall be allowed in all districts unless otherwise specified by this Bylaw and no minimum site area or yard requirements shall apply, including for dedicated lands.

b. Where a pipeline, other utility or transportation facility, crosses a municipal road Council may apply special design standards as considered necessary to protect the municipal interest in the road, including but not limited to requiring the pipeline to be punched under the road.

3.7 Waste Disposal Facilities

a. Development and site maintenance shall be in accordance with provincial environmental and health regulations.

b. Any solid waste disposal facility shall be located 457 m (1500 ft.) from any residence unless relaxation of this requirement is agreed to by affected parties.

c. A buffer strip containing trees, shrubs or a berm shall be located surrounding a disposal area.

d. Any solid or liquid waste disposal facility shall be fenced.

e. Adequate precautions shall be taken to prevent pollution of ground water by disposal operations.

f. Solid waste disposal facilities shall bel located in proximity to a provincial highway and adjacent to an all-weather road.

g. The development of any new disposal sites shall take into consideration direction of prevailing winds.

h. Council shall place any additional conditions for approval deemed necessary based upon specific application.

3.8 Home Based Businesses

a. A home based businesses shall be an ancillary use on the property.

b. The agricultural use or residential use shall be established on the property prior to the establishment of the home based business.

c. A home based businesses shall cause no variation in the residential or agricultural character or the appearance of the residence or land, except for permitted signs.

d. There shall be no outside storage of goods and materials.

e. All permits issued for a home based business shall be subject to the condition that the permit may be revoked at any time if, in the opinion of the Council, the conditions under which the permit was originally issued are no longer met. Where a permit is revoked the use shall cease immediately.

3.9 Kennel

a. A kennel shall not be located within or adjacent to a multi-parcel residential subdivision or closer than 304.8 m (1,000.0 ft) from the boundary of a multi-parcel residential subdivision. Exceptions may be made when a highway, arterial road or secondary road bisects the 304.8 m (1,000.0 ft) separation distance.

b. All pens, rooms, exercise runs and holding stalls shall be soundproofed.

c. All facilities shall meet provincial regulations, when necessary.

d. No facility or exterior exercise area used to accommodate the animals shall be located within 25.0 m (82.0 ft) of any property line of the parcel on which the facility is to be sited;

e. All exterior exercise areas (runs) shall be enclosed with a fence with a minimum height of 1.8 m (6.0 ft);

f. All facilities, including buildings and exterior exercise areas, shall be required to be sited behind the residence

g. All facilities shall be visually screened from existing dwellings on adjoining parcels.

3.10 Bed-and-Breakfast and Vacation Farm Operations

a. A bed and breakfast or vacation farm operation shall be an ancillary use on the property.

b. The agricultural use or residential use shall be established on the property prior to the establishment of the operation.

c. The operation may include rooms, cabins, and overnight camping areas.

d. The maximum number of rooms, cabins or overnight camping areas permitted will be specified as a condition of the development permit.

e. On-site signs will be permitted in accordance with Section 3.4.

f. All operations shall be licensed pursuant to *The Public Health Act*, where tourist accommodations require health approval and obtaining this license will be a condition of approval.

g. Bed-and-breakfast operations shall be located in a residence used as the operator's principal residence, or located in a dwelling accessory to and established on the same site as the operator's principal residence.

3.11 Campground

a. The operator of a campground shall provide the Development Officer with a plan of the development, identifying:

- any buildings
- uses of land
- changes to the land, grading/drainage, stormwater management
- location of garbage collection
- location of washroom facilities and utilities
- emergency evacuation plan
- location of all roadways
- campsites with dimensions

b. The addition or rearrangement of campsites, the construction or moving of buildings, the material change in use of portions of land, or the filling or clearing of land shall require a new development permit, and the operator shall submit, for approval, an amended plan incorporating the changes.

c. There shall be a buffer area abutting the boundary of not less than 4.5 m, which shall contain no buildings and shall be left in its natural state

d. No portion of any campsite shall be located within a roadway or required buffer area.

e. Each campsite shall have direct and convenient access to the internal developed roadway.

f. The space provided for roadways within a campground shall be at least 7.5 m in width.

g. The development may include accessory uses designed to meet the needs of the occupants of the campsites, and one residence for the accommodation of the operator.

h. All provincial regulations, including *The Public Health Act,* shall be complied with in respect to all operations and development of the camping facility.

3.12 Intensive Livestock Operations

a. The RM of Cana will require a development permit application for operations that meet the definition for an intensive livestock operation contained in this bylaw.

b. Location Separation Criteria

Table 3.12
Maximum Separation Criteria for ILO to Specific Uses (in metres)

Specific Use	Animal Units			
	300-499	500-2000	2000-5000	>5000
Single residence, tourist accommodation, or campground	305	400	1200	1600
Residential subdivision, or Community Development Area	800	1200	1600	2000
City of Melville and City of Yorkton	2400	3200	3200	3200

Distances are measured between livestock facilities and building development
Distances do not apply to residences associated with the operation.

d. Location Separation Criteria Reduction

i. Council, at its discretion, may consider lesser separation distances than given in Table 3.12, subject to the following:

1. Where a lesser separation distance than described, in Table 3.12 will not negatively impact the specific use or surrounding development, Council may grant a reduction of the location separation criteria. Prior to granting a reduction, Council will consult with appropriate agencies.
2. The developer shall provide written notice, approved by Council, to the owners of all residences within the distance provided in Table 3.12, and

to the hamlet board of a hamlet or Council of urban municipality within the specified distance

3. Where the separation distances is significantly, in Council's opinion, less than the criteria of Table 3.12, Council will require the developer of a proposed ILO to enter into an agreement with the owner of a residence and/or the Municipality consenting to the proposed development up to a specified size, as a condition of the approval. Council will require that an interest protecting the parties to the agreement, be registered against the residence and the ILO parcel titles at the cost of the developer.

e. Public consultation

i. Council will advertise any proposal for an intensive livestock operation, as defined by this Bylaw, in the local newspaper and will provide an opportunity for public comment for a minimum of 21 days prior to making a decision. All costs associated with advertising will be the responsibility of the developer.

ii. Council will encourage developers to hold a separate public open house prior to development permit consideration to provide information to affected landowners. If the developer does not hold a public open house, Council will hold a separate public meeting prior to development permit consideration to ensure community interests are considered before a decision is made by the Council, at the cost of the developer.

iii. Council will make a decision on a proposed livestock operation within 45 days of receiving all information necessary to make a decision. If an extension is required, Council will notify the developer in writing, including reasons for the extension, and the length of the extension.

f. Water Supply and Protection

i. There shall be a water supply adequate for the proposed development and the development shall not contaminate any water supply source. Prior to approval, or prior to the commencement of development as part of the permit conditions, Council may:

1. Require the applicant to demonstrate that appropriate measures will be in place to minimize the risk of contamination of water sources

2. Require the applicant to demonstrate an adequate water supply is available for the development and that the supply for neighbouring developments will not be adversely affected by the proposed operation.

g. Additional Information

i. Council may require the applicant to obtain recommendations from appropriate agencies and address issues regarding water supply, quality and quantity

considerations and manure management plans to evaluate the suitability of the site

ii. *The Agricultural Operations Act* and other provincial legislation may apply to the development of an ILO. When considering the operational or environmental aspects of a proposed project that does not trigger a provincial review, Council may wish to refer a development permit application to the appropriate agencies for advice and recommendations.

h. Permit conditions

i. As a condition of approval, Council shall specify the maximum number of animal units for which the approval is made to reduce the potential for land use conflicts with neighbouring uses.

ii. Council may impose development standards which specify the location of holding areas, buildings or manure storage facilities on the site, the locations may vary from the separation criteria in Table 3.12.

i. Existing Livestock Operations

i. ILOs existing at the time of the adoption of this Bylaw may continue, however if there is any expansion of the operation or change of animal species or type of operation the developer will be required to obtain approval from Council in accordance with the requirements and conditions of this Bylaw.

j. Development permits are required for any proposed:

i. New ILO

ii. Expansion of an existing ILO

iii. Any temporary facility or part of a site

iv. Change of animal species or type of operation

3.13 Wind Energy Systems

a. The Developer shall submit a site plan that shows the location of the wind energy systems including roads, underground cabling, fencing, overhead lines, drainage and access.

b. The developer will be required to consult with the adjacent properties surrounding the proposal prior to reviewing the development permit application.

c. Setback distances for the Wind Energy System:

i. The wind energy system shall be set back from any property line at a distance equal to the length of the blade plus 10 m (33.33 ft.) or a minimum of 38 m (125 ft.), unless otherwise agreed to by the landowner, developer and municipality.

ii. The wind energy system shall be set back a minimum distance of 500 m from the outside edge of an occupied residential building (or group of residential buildings) to the base of the tower, unless otherwise agreed to by the landowner and/or adjacent landowner.

iii. The wind energy system must be set back at least 90 m (300 ft.) from an intersection of any municipal road allowance, or provincial highway or such greater distance as required by the Department of Highways.

iv. The wind energy system must be set back at least 38 m (150 ft.) from the municipal road.

v. The developer will undertake required consultations and/or studies from environmentally sensitive areas, wetlands, or other protected or sensitive areas and conditions for development may be based on the findings.

d. Roads:

i. All roads and accesses required to facilitate the development will be proposed by the developer as part of the development permit application. All roads and accesses shall meet the definition of developed road and be constructed to municipal standards.

ii. The developer will be requested to enter into a road maintenance agreement, in accordance with the regulations of The Municipalities Act.

iii. The developer is required to enter into a road use agreement with the municipality for the construction period to ensure roads are maintained in a condition agreeable by both parties.

e. Height and Other Specifications:

i. The development permit application for a wind energy system shall be accompanied by a manufacturer's engineering certificate of structural safety or certification of structural safety from a recognized Professional Engineer in Canada.

ii. The proposed hub height of the wind energy system should be included in the development permit application.

iii. There should be no sounds (excluding the turbine components for operations), light (excluding navigation lights as Transport Canada requirements), glare, heat, dust or other emissions that will, in Council's opinion, detract from the amenity of the area other than those that are necessary for the operation of the system. Council may require the developer to take mitigating measures to ensure the development produces minimal disturbance to the surrounding lands.

iv. Landscaping will be provided by the developer, where deemed necessary by Council, to maintain safety, protection and the character of the surrounding area.

v. Accessory outdoor storage should be screened from adjacent residential dwellings and public highways and the location of the storage to be shown on the sketch that forms part of the development permit application.

vi. Development applications must be accompanied by a report of any public information meetings or other process conducted by the developer.

vii. A post-construction reclamation plan as well as a decommissioning plan must be submitted with the development application, which may form part of the permit approval.

viii. Any material changes to the original development permit, that contemplate the movement of the turbine (in plan view) of more than 250 m or a height increase of the turbine by more than 20% will require a new permit to be issued.

ix. Sites having potentially dangerous or hazardous developments will have visible signs stating any potential danger.

x. No hazardous waste will be stored on the site.

3.14 Mineral Resource Extraction

a. Operation and reclamation plans shall accompany the development permit application and shall address:

i. clearing and disposal of vegetation;

ii. stripping and conservation of topsoil;

iii. phasing of development;

iv. phasing of remediation (progressive restoration is expected while extraction is ongoing in other section of the pit);

v. re-vegetation, grading or other methods of stabilizing the reclaimed surface from erosion;

vi. storm water management and drainage control;

vii. access and/or haul roads; and

viii. public safety, including a barrier consisting of a three strand wire fence, or equivalent, to restrict access to the site by the public.

b. In reviewing application for a development permit, the following will be considered by the RM:

i. the effect on adjacent land and uses and the effect on municipal roads;

ii. setbacks between residential development and resource development;

iii. restoration plans of the site that brings the lands back to as close as possible to its original state;

iv. mitigation of dust, odour, smoke and noise;

v. safety measures, such as fencing and signage;

vi. screening of development from nearby residential uses and transportation routes through the use of landscaping, tree plantings or other screening methods that Council finds appropriate;

vii. phasing of development;

c. The following may be applied as conditions and standards for the development permit application:

i. the inclusion of the operation and reclamation plan as a condition of development permit approval;

ii. the requirement of a bond, letter of credit or other form of security to ensure the completion of a reclamation plan as a condition of approval;

iii. the requirement of a bond, letter of credit or other form of security to ensure the developer exercises environmental responsibility and prudence as a condition of approval;

iv. construction of, or upgrades to, municipal roads to provide appropriate access and egress to the site;

v. construction of, or upgrades to, any municipal water, sewage or drainage works;

vi. onsite fire suppression infrastructure;

vii. lighting and flaring restrictions; and

viii. setback distances from neighbouring land uses shall be based upon consultations with the Energy and Resources Branch at the Ministry of Economy.

3.15 Sand and Gravel Extraction

a. No mining, excavation or stockpiling shall occur:

i. within 40 metres of a road allowance or provincial highway;

ii. where it will change or alter that natural course of any waterway on the land; or

iii. below the natural water table.

b. Fuel tank placement and servicing of equipment shall take place in areas where contaminated materials will not enter the pit, water sources or ground water.

c. Operation and reclamation plans shall accompany the development permit application and shall address:

i. clearing and disposal of vegetation;

ii. stripping and conservation of topsoil;

iii. placement of overburden material and storage of extracted materials;
iv. phasing of extraction;

v. phasing of remediation (progressive restoration is expected while extraction is ongoing in other section of the pit);

vi. re-vegetation, grading or other methods of stabilizing the reclaimed surface from erosion;

vii. storm water management;

viii. drainage control;

ix. erosion and sediment control;

x. access and/or haul roads; and

xi. public safety, including a barrier consisting of a three strand wire fence, or equivalent, to restrict access to the site by the public.

d. Where a sand and gravel development is proposed within the vicinity of a water source, the development permit application should be accompanied by appropriate hydrological studies and outline necessary mitigation measures.

e. In reviewing application for a development permit, the following will be considered by the RM:

i. the effect on adjacent land and uses and the effect on municipal roads;

ii. the manner in which the pit or quarry is to be operated;

iii. the environmental implication of the operation on watercourses and drainage, wildlife habitat, rare and endangered species, erosion and sediment control and slope stability;

iv. restoration plans of the site that brings the lands back to as close as possible to its original state;

v. mitigation of dust, odour, smoke and noise;

vi. safety measures, such as fencing and signage;

vii. screening of sand and gravel development from nearby residential uses and transportation routes through the use of landscaping, tree plantings or other screening methods that Council finds appropriate;

viii. phasing of extraction; and

f. The following may be applied as conditions and standards for the development permit application:

i. the inclusion of the operation and reclamation plan as a condition of development permit approval;

ii. the requirement of a bond, letter of credit or other form of security to ensure the completion of a reclamation plan as a condition of approval; and

iii. the requirement of a bond, letter of credit or other form of security to ensure the developer exercises environmental responsibility and prudence as a condition of approval.

g. The restoration of the site shall commence immediately upon termination of the operation.

3.16 Recreational Development

a. Recreational opportunities must be safe, healthy and minimize unnecessary public cost;

b. Council may consider conditions for buffers, screens, setbacks, luminance controls or defined operating hours or seasons;

c. Applicants shall address on-site and off-site storm water retention and management;

d. Upgrading or installation of services for the development shall meet municipal standards.

3.17 Commercial Development

a. Any proposed commercial development or commercial agricultural development must have access to a provincial highway or developed road.

b. Any unsightly outdoor storage of machinery, vehicles, or materials shall be adequately screened from the public's view.

c. There shall be a sufficient supply of water for the proposed use and Council may require the applicant to demonstrate this prior to approval of any application.

d. Services proposed for the use shall meet municipal standards and capacity of municipal services shall be taken into consideration, including but not limited fire suppression and waste disposal services.

e. Parking for the use shall be contained on site; there shall be no parking along municipal roads.

f. As a condition of development, the RM can require that the developer provide information on any necessary provincial or federal approvals.

g. The RM may require the applicant provide information regarding the mitigation of any environmental concerns including but not limited to ground water contamination, air pollution, run off, etc. If the municipality is not satisfied with the method of mitigation, the application may be refused.

3.18 Dwelling Groups

a. Access to sites shall be from a road internal to the dwelling group parcel

b. No dwelling shall be closer than 6 m to any other dwelling

c. All buildings on a dwelling group parcel shall maintain the required yards to the property lines of the parcel provided for the District and the required set back to the centre line of a road.

3.19 Fences

In the Country Residential District (CR1), Multi-Parcel Residential District (CR2), and Commercial District (C) no fence, wall or other means of enclosure shall be constructed and no hedge or shrubs shall be permitted to grow to a height greater than:

a. 1.0 metre (3.0 feet) above grade for the portion of the structure that extends beyond the front wall of the principal building; and

b. 2.0 metres (6.5 feet) above grade for the portion of the structure that does not extend beyond the front wall of the principal building.

c. At Councils discretion, a greater height may be allowed where snow removal and road safety such as sight distances and traffic visibility will not be affected.

3.20 The Keeping and Raising of Animals and/or Birds

a. Cattle, horses, sheep, goats, mules, donkeys, poultry, pigs and any other large domesticated or game animal or bird shall be prohibited in the Multi-Parcel Residential District (CR2) and in the Commercial District (C).

b. Cattle, horses, sheep, goats, mules, donkeys, pigs and any other large domesticated animal or bird shall be permitted without a development permit in the Country Residential District (CR1), subject to the following:

   i. Maximum number of animals shall be one animal for every two acres.

   ii. Related accessory buildings shall be located a minimum distance of 15.24 m (50 ft.) from all site lines not adjacent to municipal road allowances, water supplies and residential buildings.

   iii. Animal wastes shall be disposed of according to provincial standards.

   iv. Nuisance, obnoxious odours, or excessive noise shall not be generated.

   v. Pollution of surface or ground water shall not occur.

   vi. The use of vacant residential sites for the pasturing of animals is prohibited.

Section 4 – Zoning Districts

4.1 Districts

a. For the purpose of applying this Bylaw, the RM is divided into Zoning Districts.

4.2 Boundaries

a. The boundaries of all Zoning Districts are shown on the map entitled, "Zoning District Map" which is attached to, and forms a part of this Bylaw. Unless otherwise shown on the Map, the boundaries of the Districts are site lines, centre lines of streets, lanes, roads or such lines extended, and the boundaries of the Municipality. Unless otherwise shown on a Zoning Amendment Map, the Zoning District boundary, coincident with a parcel boundary, moves with a minor adjustment to that boundary.

4.3 Regulations

a. Regulations for the Zoning Districts are outlined in the following Sections:

   i. Agricultural District (A)

   ii. Country Residential District (CR1)

   iii. Multi-Parcel Residential District (CR2)

   iv. Commercial District (C)

Section 4.1 – Agricultural District (A)

The objective of this district is to provide for the primary use of land in the form of agricultural development and associated agricultural uses. Other uses compatible with agricultural development are also provided for as well as location dependent natural resource development. Fragmentation of agricultural land in this district generally will be avoided.

4.1.1 Permitted Uses that are exempt from permit approval provided they meet the requirements of this Zoning Bylaw, including setback regulations if applicable, include:

a. Agricultural Uses including:

i. Field crops

ii. Pastures for the raising of livestock (excluding ILOs)

iii. Keeping of animals

iv. Private orchards and vegetable, horticultural or fruit gardens

b. Installation and repair of public utilities

c. Development and expansion of RM facilities

d. Signs, subject to Section 3.4 of this bylaw.

e. Fences

f. Landscaping on private lands

g. Antenna and telecommunication tower to a maximum of 15.24m (50 ft)

4.1.2 Permitted Uses

a. Residence (up to two on a parcel of 80 acres or more)

b. Accessory buildings and uses related to:

i. An established agricultural use

ii. The residence established on the property (decks, garages, outbuildings, etc.)

c. Agricultural Uses including:

i. Facilities for the direct sale of field crops

ii. Agriculture service and contracting establishments

iii. Orchards and vegetable, horticultural or fruit gardens open to the public

f. Mineral resource development and extraction

4.1.3 Discretionary Uses

a. Agricultural Uses

i. New or expanding Intensive Livestock Operation (ILO)

ii. Intensive agricultural operations

iii. Commercial agricultural operations

iv. Agricultural product processing

v. Agricultural equipment, fuel and chemical supply establishment

b. Residential Uses

i. Residence (for more than two on 80 acres or more)

c. Accessory uses and buildings:

i. Home Based Business

ii. Kennel

iii. Bed and breakfast or vacation farm

d. Resource based uses:

i. Sand and Gravel Operations

ii. Accessory work camps

e. Commercial Uses:

i. Salvage and storage yards

ii. Recreational commercial uses (sports arenas, golf courses, tourist campgrounds, or similar type uses)

f. Community Uses:

i. Radio, television and microwave towers

ii. Institutional camps

iii. Solid and liquid waste disposal facilities

iv. Public parks and public recreational facilities

v. Historical sites, archaeological sites, wildlife and conservation management areas

vi. Places of worship, cemeteries, and non-residential schools

g. Communal Dwellings and related uses/buildings

4.1.4 Regulations

a. Subdivision

i. The subdivision of any land within the Agricultural District is subject to the policies contained in the Official Community Plan.

1. One subdivision, which separates the existing or proposed residence from the remnant of the quarter section, will be allowed in this district.

2. Additional subdivisions may be considered where the site to be added is physically separated from the remainder of the parcel by a registered road plan, by a railway on a registered right of way, and the separated site has direct access to a developed road or where a parcel tie removal is requested.

b. Frontage

i. Minimum site frontage shall be 20 m (66 ft.) for all parcels

ii. Exemptions from minimum frontage may be considered by Council for resource based uses, public utilities, municipal facilities and community uses.

c. Site Size

i. Residential

1. Minimum site size shall be 0.8 ha (2 acres)

2. Maximum subdivided site size shall be 8.09 ha (20 acres)

ii. Agricultural

1. Minimum site size shall be 32.37 ha (80 acres).

2. A reduced site area below 32.37 hectares (80 acres) may be permitted as a result of natural features, physical limitations or boundary adjustments that may create minor variances to the site area standards, including a parcel tie removal adjacent to highway 9 or 10.

3. No Maximum site size.

iii. Exemptions from minimum site area requirements and number of sites may be considered by Council for resource based uses and community uses.

d. Access

i. All development will require legal and physical access to a developed road.

ii. A site to be created by subdivision shall not be permitted unless the proposed parcels and the remainder of the parcel being subdivided abuts, or has frontage on a registered developed road, including any road to be developed under a signed servicing agreement.

e. Setback Requirements

i. The minimum setback of buildings, including a residence, from the centerline of a developed road, municipal road allowance, or provincial highway shall be 46 m (150 ft.).

ii. The minimum setback of buildings, including a residence, from the intersection of the center lines of two or more municipal road right-of-ways shall be 92 m (300 ft.)

iii. Trees, shrubs, stone piles, portable structures, machinery or other objects, such as wells, dugouts, or reservoirs on private property shall also adhere to the regulations in 4.1.4(e)(i) and 4.1.4(e)(ii)

iv. No residence shall be located with less than a minimum separation distance to an operation, other than the residence of the operator, as follows:

1. 125 m of an existing, proposed, abandoned or reclaimed well or facility as defined in *The Oil and Gas Conservation Regulations, 2012.*

2. 457 m from land that used or authorized for use as a sewage treatment plan or a sewage lagoon.

3. 457 m from land use or authorized for use as a landfill for the disposal of garbage or refuse.

4. 305 m from a non-refrigerated anhydrous ammonia facility licensed by the Province of Saskatchewan.

5. 600 m from a refrigerated anhydrous ammonia facility licensed by the Province of Saskatchewan.

6. No dwelling or other building shall be located within the approach surface for any functional airport or airstrip.

4.1.5 Criteria for Discretionary Use Applications

Council shall use the following criteria in making a decision on a discretionary use development permit application:

a. A site plan and supporting documentation must be supplied to Council prior to making a decision on a discretionary use application.

b. The proposed development shall be located on a parcel conforming to all requirements of this zoning bylaw, including site size, frontage, setbacks and access.

c. The proposed discretionary use shall not negatively change the character of the immediate area or the use and enjoyment of adjacent lands for their existing use.

d. Commercial Uses, including Commercial Agricultural Developments:

   i. Any proposed commercial development or commercial agricultural development must have access to a main corridor road or provincial highway unless the development is tied to the particular location by a natural resource or rail infrastructure.

   ii. Any unsightly outdoor storage of machinery, vehicles, or materials including any salvage or vehicle storage yard shall be adequately screened from the public's view.

iii. A road of a standard that meets the demands of the operation shall provide access to the site. If required, the operator will enter into a heavy haul agreement with the RM.

iv. In the application for an intensive operation, the applicant shall identify the proposed supply of water for the operation where intensive irrigation is required, showing that the supply shall be sufficient to meet the needs of that operation without adverse effects on the supply of water used by neighbouring properties

e. Communal Dwellings

i. All dwelling(s) are to be located on a parcel conforming to all requirements of the zoning bylaw, including area, setbacks/ frontage, and access.

ii. New or expanding dwellings shall comply with the Land Management Policies within the OCP.

iii. Utilities, including sewage disposal system(s) must meet provincial standards.

f. Home Based Businesses:

i. No heavy construction or industrial equipment or supplies shall be on any site for a home based business.

ii. Any increase in the operation as applied for or approved shall require a new discretionary use approval

g. Bed-and-breakfast and Vacation Farm:

i. The proposed structures are suitable and comfortable for the proposed development.

ii. There shall be a water source suitable for public consumption at the facility.

iii. There shall be suitable utilities and sewage disposal system for the facility

iv. There shall be appropriate levels of access to the site and off-street or road parking for the users of the facility

v. The development shall not be in conflict with adjacent uses or uses currently on site.

h. Campground

i. Each site shall have access from an interior roadway

ii. A water source for public consumption shall be available on site

iii. Suitable utilities, sewage disposal systems and facilities shall be available on site

iv. The development shall not conflict with adjacent uses or uses currently on site

v. An emergency services plan shall been discussed and agreed to by the service providers and the applicant

i. Additional Residence:

i. If there are two residences on an agricultural parcel of 80 acres or more, Council may consider allowing more if agriculture is the principal use of the parcel, and the additional residence is to be occupied by a person who is engaged in the agricultural operation full time.

j. Other requirements of this bylaw specific to the proposed use are met.

Section 4.2 – Country Residential District (CR1)

The objective of this district is to provide for the subdivision and development of low density residential uses, where the site can be serviced appropriately. This district will be used for residential purposes with limited agricultural uses allowed on the sites.

4.2.1 Permitted Uses that are exempt from permit approval provided they meet the requirements of this Zoning Bylaw, including setback regulations if applicable, include:

a. Installation and repair of public utilities, except solid and liquid waste disposal facilities.

b. Development and expansion of RM facilities.

c. Signs, subject to Section 3.4 of this bylaw.

d. Fences, subject to Section 3.19 of this bylaw.

e. Landscaping on private lands

f. The Keeping and Raising of Animals and/or Birds, subject to Section 3.20 of this bylaw.

g. Orchards, vegetable, horticultural or fruit gardens

4.2.2 Permitted Uses

a. Residence (minimum floor area of 1000 sq. ft.)

b. Dwelling Groups (minimum floor area of 1000 sq. ft.)

c. Accessory buildings and uses related to:

i. The residence established on the property (decks, garages, outbuildings, etc.)

ii. A discretionary use established on the property.

4.2.3 Discretionary Uses:

The following uses will be permitted at Council's discretion:

a. Bed-and-breakfast Operation

b. Home Based Businesses

c. Community Uses

i. Public parks and public recreational facilities

ii. Historical sites, archaeological sites, wildlife and conservation management areas

iii. Places of worship, cemeteries, and non-residential schools

4.2.4 Regulations

a. Subdivision

i. The provisions of Part 3 – Country Residential Lands in the Official Community Plan will apply.

ii. The maximum number of CR1 parcels permitted on a quarter section shall be 8 or ratio thereof if the parcel is less than 160 acres.

b. Frontage

i. Minimum site frontage shall be 20 m (66 ft.) for all parcels

ii. Exemptions from minimum frontage may be considered by Council for community uses.

c. Site Size

i. Minimum site size shall be 0.8 ha (2 acres)

ii. Maximum site size shall be 8.09 ha (20 acres)

ii. Exemptions from minimum area requirements may be considered by Council for community uses.

d. Access

i. All development will require legal and physical access to a developed road.

ii. A site to be created by subdivision shall not be permitted unless the proposed parcels and the remainder of the parcel being subdivided abuts, or has frontage on a registered developed road, including any road to be developed under a signed servicing agreement.

e. Setback Requirements

i. Front Yard:

1. The minimum setback of buildings, including a residence, from the centerline of a developed road, municipal road allowance, or provincial highway shall be 46 m (150 ft.).

2. The minimum setback of buildings, including a residence, from the intersection of the center lines of two or more municipal road right-of-ways shall be 92 m (300 ft.).

3. Trees, shrubs, stone piles, portable structures, machinery or other objects, such as wells, dugouts, or reservoirs on private property shall also adhere to the regulations in 4.2.4(e)(i)(1) and (2).

4. The minimum setback for buildings or other objects on private property from the internal subdivision road shall be 7.6 m (25 ft.).

5. No outside storage shall be permitted in the front yard.

ii. Side and Rear Yard:

1. The minimum setback for buildings or other objects on private property from any side yard shall be 3 m (9.84 ft.)

2. The minimum setback for buildings or other objects on private property from any rear yard shall be a 10 m (32.81 ft.)

3. Outside storage located in a side or rear yard shall be screen by landscaping or vegetation so as not to be visible from a road.

iii. No residence shall be located with less than a minimum separation distance to an operation, other than the residence of the operation, as follows:

1. 125 m of an existing, proposed, abandoned or reclaimed well or facility as defined in *The Oil and Gas Conservation Regulations, 2012.*

2. 457 m from land that used or authorized for use as a sewage treatment plan or a sewage lagoon

3. 457 m from land use or authorized for use as a landfill for the disposal of garbage or refuse.

4. 305 m from a non-refrigerated anhydrous ammonia facility licensed by Province of Saskatchewan

5. 600 m from a refrigerated anhydrous ammonia facility licensed by the Province of Saskatchewan

6. No dwelling or other building shall be located within the approach surface for any functional airport or airstrip.

4.2.5 Criteria for Discretionary Use Applications

a. A site plan and supporting documentation must be supplied to Council prior to making a decision on a discretionary use application.

b. The proposed development shall be located on a parcel conforming to all requirements of this zoning bylaw, including site size, frontage, setbacks and access.

c. The proposed discretionary use shall not negatively change the character of the immediate area or the use and enjoyment of adjacent lands for their existing use.

d. Home Based Businesses:

i. No home based business in this District shall include auto body repair or repainting operations.

ii. No heavy construction or industrial equipment or supplies shall be stored on any site for a home based business.

iii. Council may apply special standards in the issuing a development permit limiting the size of operation, and buildings used for the operation.

iv. Any increase in the operation as applied for or approved shall require a new discretionary use approval

e. Bed-and-breakfast Operation

i. The proposed structures are suitable and comfortable for the proposed development

ii. There shall be a water source suitable for public consumption at the facility

iii. There shall be suitable utilities and sewage disposal system for the facility

iv. There shall be appropriate levels of access to the site and off-street or road parking for the users of the facility

v. The development shall not be in conflict with adjacent uses or uses currently on site.

f. Other requirements of this bylaw specific to the proposed use are met.

Section 4.3 – Multi-Parcel Residential District (CR2)

The objective of this district is to provide for dense residential development, which does not directly support agriculture. Former hamlets with existing and potential commercial and residential opportunities will be within this zone.

4.3.1 Permitted Uses that exempt from permit approval provided they meet the requirements of this Zoning Bylaw, including setback regulations if applicable, include:

a. Installation and repair of public utilities, except solid and liquid waste disposal facilities

b. Development and expansion of RM facilities

c. Signs, subject to Section 3.4 of this bylaw.

d. Fences, subject to Section 3.19 of this bylaw.

e. Landscaping on private lands

f. The Keeping and Raising of Animals and/or Birds, subject to Section 3.20 of this bylaw.

g. Private orchards, vegetable, horticultural or fruit gardens.

4.3.2 Permitted Uses

a. Residence (minimum floor area of 700 sq. ft.)

b. Dwelling Groups (minimum combined floor area of 1000 sq. ft.)

c. Accessory buildings and uses related to:

i. The residence established on the property (decks, garages, outbuildings, etc.)

ii. A discretionary use established on the property.

4.3.3 Discretionary Uses

a. Bed-and-breakfast Operation

b. Home Based Businesses

c. Commercial Uses:

i. Retail stores, commercial retail services, restaurants

ii. Liquor sales, beverage room, restaurants, and lounges

iii. Grocery store

iv. Care facilities

v. Personal service shops

vi. Motels and hotels.

d. Community Uses

i. Public parks and public recreational facilities

ii. Historical sites, archaeological sites, wildlife and conservation management areas

iii. Places of worship, cemeteries, and non-residential schools

iv. Community halls, public museums, and libraries

4.3.4 Regulations

a. Subdivision

i. The provisions of Part 4 – Multi – Parcel Residential Lands in the Official Community Plan will apply.

ii. The RM will look favorably at the consolidation of existing parcels (in Otthon) to achieve larger parcel sizes to facilitate new residential, commercial or recreational development.

iii. All subdivisions shall be located adjacent to an existing transportation corridor.

iv. All subdivisions shall be serviced to meet municipal standards.

b. Frontage

i. Minimum site frontage shall be 15 m (50 ft) m for all new parcels; unless a greater site frontage is deemed to be required for a commercial use at the time of application review.

ii. Exemptions from minimum frontage may be considered by Council for community uses.

c. Site Size

i. The minimum site sizes for uses in this district are as follows:

Use	Minimum Site Size
Service Station, Hotel and Motel	900m² (9687.5 sq. ft.)
Commercial	225m² (2422 sq. ft.)
Residential	450m² (4843.75 sq. ft.)
Other Uses	450m² (4843.75 sq. ft.)

ii. Exemptions from area requirements may be considered by Council for community uses.

d. Sites existing with this District at the time of bylaw adoption that are not in accordance with this bylaw are deemed to be conforming.

e. Access:

i. All development will require legal and physical access to a developed road.

ii. A site to be created by subdivision shall not be permitted unless the proposed parcels and the remainder of the parcel being subdivided abuts, or has frontage on a registered developed road, including any road to be developed under a signed servicing agreement.

iii. All parcels within this district shall be provided access from an internal subdivision road.

f. Setback Requirements

i. Front Yard:

1. The minimum setback of buildings, including a residence, from the centerline of a developed road, municipal road allowance, or provincial highway shall be 46 m (150 ft.).

2. The minimum setback of buildings, including a residence, from the intersection of the center lines of two or more municipal road right-of-ways shall be 92 m (300 ft.).

3. Trees, shrubs, stone piles, portable structures, machinery or other objects, such as wells, dugouts, or reservoirs on private property shall also adhere to the regulations in 7.4(f)(i)(1) and (2).

4. The minimum setback for buildings or other objects on private property from the internal subdivision road shall be 7.6 m (25 ft.).

5. No outside storage shall be permitted in the front yard.

ii. Side and Rear Yard:

1. The minimum setback for buildings or other objects on private property from any side yard shall be 3 m (9.84 ft.)

2. The minimum setback for buildings or other objects on private residential property from any rear yard shall be a 10 m (32.81 ft.)

3. The minimum setback for recreational uses, residential and commercial accessory buildings, portable structures, or other objects on private property from any rear yard shall be a 1.5 m (5 ft)

4. Outside storage located in a side or rear yard shall be screen by landscaping or vegetation so as not to be visible from a road.

iii. No residence shall be located with less than a minimum separation distance to an operation, other than the residence of the operation, as follows:

1. 125 m of an existing, proposed, abandoned or reclaimed well or facility as defined in *The Oil and Gas Conservation Regulations, 2012.*

2. 457 m from land that used or authorized for use as a sewage treatment plan or a sewage lagoon

3. 457 m from land use or authorized for use as a landfill for the disposal of garbage or refuse.

4. 305 m from a non-refrigerated anhydrous ammonia facility licensed by Province of Saskatchewan

5. 600 m from a refrigerated anhydrous ammonia facility licensed by the Province of Saskatchewan

6. No dwelling or other building shall be located within the approach surface for any functional airport or airstrip.

4.3.5 Criteria for Discretionary Use Applications

a. A site plan and supporting documentation must be supplied to Council prior to making a decision on a discretionary use application.

b. The proposed development shall be located on a parcel conforming to all requirements of this zoning bylaw, including site size, frontage, setbacks and access.

c. The proposed discretionary use shall not negatively change the character of the immediate area or the use and enjoyment of adjacent lands for their existing use.

d. Council will apply the criteria of the Official Community Plan when considering locations for commercial and industrial uses.

e. Home Based Businesses:

   i. No home based business in this District shall include auto body repair or repainting operations

   ii. No heavy construction or industrial equipment or supplies shall be stored on any site for a home based business in this District

   iii. Council may apply special standards in the issuing a development permit limiting the size of operation, and buildings used for the operation.

   iv. Any increase in the operation as applied for or approved shall require a new discretionary approval

g. Bed-and-breakfast Operation

   i. the proposed structures are suitable and comfortable for the proposed development

   ii. there is a water source suitable for public consumption at the facility

   iii. there are suitable utilities and sewage disposal system for the facility

   iv. there are appropriate levels of access to the site and off-street or road parking for the users of the facility

   v. the development will not be in conflict with adjacent uses or uses currently on site.

h. Other requirements of this bylaw specific to the proposed use are met.

Section 4.4 – Commercial District (C)

The objective of this district is to provide for commercial and industrial opportunities in designated areas which are adjacent to highway corridors in the RM and that can be serviced appropriately.

4.4.1 Permitted Uses that exempt from permit approval provided they meet the requirements of this Zoning Bylaw, including setback regulations if applicable, include:

a. Installation and repair of public utilities, except solid and liquid waste disposal facilities

b. Development and expansion of RM facilities

c. Signs, subject to Section 3.4 of this bylaw

d. Fences, subject to Section 3.19 of this bylaw

e. Landscaping on private lands

4.4.2 Permitted Uses

a. Agricultural services, contracting and supply establishments

b. Commercial nurseries or greenhouses, including retail

c. Services stations with or without confectionary

d. Motor vehicle dealers and service establishments

e. Motels and hotels

f. Restaurants

g. Retail stores

h. Implement and machinery sales and service

i. Small scale agricultural product processing

j. Grain and seed sales

k. Chemical and fertilizer storage and mixing

l. Repair shop

m. Accessory buildings and uses related to:

i. The commercial use established on the property

4.4.3 Discretionary Uses

a. Large scale product processing

b. Veterinary clinics

c. Abattoirs

d. Packing plants

e. Agricultural supply depots

f. Grain storage and elevators

g. Seed processing and cleaning

h. Agricultural chemical storage including, but not limited to, air spraying facilities

i. Bulk petroleum industry facilities, asphalt and cement plants, plastic pipe manufacturing

j. Commercial trucking establishments

k. Manufacturing

4.4.4 Regulations

a. Subdivision

i. The provisions of Part 6 – Business Development in the Official Community Plan will apply.

ii. All subdivisions shall be located adjacent to an existing transportation corridor.

iii. All subdivisions shall be serviced to meet municipal standards.

b. Frontage

i. Minimum site frontage shall be 30.48m (100 ft.) for all parcels, excluding public utility uses and municipal facilities.

c. Site Size

i. The site to be subdivided has an area of not less than 1011.7 m² (0.25 acre)

ii. There shall be no site size maximum in this district.

d. Access:

i. All development will require legal and physical access to a developed road.

iii. A site to be created by subdivision shall not be permitted unless the proposed parcels and the remainder of the parcel being subdivided abuts, or has frontage on a registered developed road, including any road to be developed under a signed servicing agreement.

e. Setback Requirements

i. Front Yard:

1. All commercial uses along a provincial highway will be referred to the Ministry of Highways and Infrastructure to ensure the proposal is consistent with provincial setback requirements and regulations.

2. The minimum setback for buildings, trees, shrubs, stone piles, portable structures, or other objects on private property from the centreline of a developed road, municipal road allowance, or provincial highway shall be 46 m (150 ft.).

3. The minimum setback for buildings, trees, shrubs, stone piles, portable structures, or other objects on private property from the intersection of the center lines of two or more municipal road right-of-ways shall be 90 m (300 ft.)

4. The minimum setback for buildings on private property from the internal road shall be 7.6 m (25 ft.)

5. No outside storage shall be permitted in the front yard.

ii. Side Yard:

1. The minimum setback for buildings on private property from any side yard shall be a 3 m (10 ft.)

iii. Rear Yard

1. The minimum setback for buildings on private property from any rear yard shall be a 6 m (20 ft.)

2. The minimum setback for accessory buildings, portable structures, or other objects on private property from any rear yard shall be a 1.5 m (5 ft.)

4.4.5 Criteria for Discretionary Use Applications

a. General Criteria

i. A site plan and supporting documentation must be supplied to Council prior to making a decision on a discretionary use application.

ii. The proposed development shall be located on a parcel conforming to all requirements of this zoning bylaw, including site size, frontage, setbacks and access and to all provincial requirements.

iii. The use shall not negatively change the character of the immediate area or the use and enjoyment of adjacent lands for their existing use.

iv. A developed road shall provide physical and legal access to the site.

v. All commercial uses shall be separated from a residence not occupied by the operator of the use, by a distance of at least 300 m unless the applicant can establish to the satisfaction of Council that the use will not emit noxious odours, smoke, dust and noise limiting the enjoyment or use of the residence.

vi. Parking of vehicles associated with the commercial use shall at no time take place on municipal roadways.

b. Outside Storage

i. Uses that include or may include storage may require screening from roads or neighbouring properties by landscape features or fences or a combination of both.

ii. Council may apply special standards as conditions of approval regarding screening, location of storage, location of vehicles on display, machinery and parts to avoid an unsightly premise.

c. Other requirements of this bylaw specific to the proposed use are met.

Section 5 - Definitions

In this Bylaw when the following words or terms are used, they have the following meaning, unless the context provides otherwise:

Accessory Building – a subordinate detached building apart from the main building or main use and located in the same site, which provides better and more convenient function of the main building or main use.

Accessory Use – a use customarily incidental, subordinate, and exclusively devoted to the principal use or building and is located on the same site with such principal use or building.

Act – *The Planning and Development Act, 2007.*

Alteration – any structural change or addition made to any building or structure.

Animal Unit – the kind and number of animals calculated in accordance with the following table:

Kind of Animal		Number of Animals = 1 Animal Unit
Cattle	Cows and bulls	1
	Feeder cattle	1.5
	Replacement heifers	2
	Calves	4
Horses	Colts and ponies	2
	Other horses	1
Domestic Animals	Dogs Puppies Cats Kittens	

Ancillary Use – a use that is secondary and subordinate in size, extent and purpose to the principal use on the same site, but is not necessary for the operation of the principal use on that site.

Administrator – the official administrator for the Municipality pursuant to *The Municipalities Act*.

Applicant – a developer or person applying for a development permit under this Bylaw, for a subdivision approval to an approving authority under The Act.

Bed-and-Breakfast Operation– a residence, licensed as a tourist home under *The Public Accommodation Regulations*, in which overnight accommodation within the unit, along with one meal served before noon, is provided to the travelling public for a charge.

Building – a structure used for the shelter or accommodation of persons, animals, or goods.

Building Permit – a permit issued under a building Bylaw of the Municipality authorizing the construction of all or part of any building.

Campground – the seasonal operation of an area of land managed as a unit, providing temporary short-term accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers, used by travellers and tourists.

Care Services - development to provide daytime personal care and education to children or elderly persons, but does not include overnight accommodation. Typical facilities would include daycare or "elder care" centres, day nurseries, family day home child care, nursery schools and play schools.

Communal Dwelling – is identified as the dwelling unit(s) on land owned by colonies who use the land for agricultural, educational and other shared purposes.

Council – the Council of the Rural Municipality of Cana No. 214.

Developed Road - an existing paved or graded all-weather road on a registered right of way, or a road for which arrangements have been made with Council to provide for the construction of the road on a registered right of way to a standard approved by Council

Development – the carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use or intensity of the use of any building or land.

Development Permit – a document issued by the RM of Cana No. 214 authorizing a development issued pursuant to this Bylaw, but does not include a building permit.

Discretionary Use – means a use of land or buildings or form of development that:

is prescribed as a discretionary use in this Bylaw; and requires the approval of Council pursuant to Section 56 of *the Act* and this Bylaw.

Dwelling Group – a group of principal buildings used as dwellings, located on a single parcel, developed as a project, that may include rental, condominium or bare land condominium forms of tenure.

Dwelling, Semi-detached – two dwelling units side by side in one building unit with a common party wall which separates, without opening, the two dwelling units throughout the entire structure.

Dwelling, Single Detached – a detached building consisting of one dwelling unit as defined here; and occupied or intended to be occupied as a permanent home or residence, but shall not include a mobile home or trailer coach as defined herein.

Dwelling Unit – one or more habitable rooms constituting a self-contained unit and used or intended to be used together for living and sleeping purposes by one or more persons.

Farmstead – a farm or the part of a farm comprising its main buildings together with adjacent lands.

Floor Area –the maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling, any private garage, porch, veranda, sunroom, or unfinished room or attic.

Flood Way – means the portion of the flood plain adjoining the channel where the waters in the 1:500 year flood are projected to meet or exceed a depth of one metre or a velocity of one metre per second.

Flood Fringe – means the portion of the flood plain where the waters in the 1:500 year flood are projected to be less than a depth of one metre or a velocity of one metre per second.

Grocery Store – the use of a building, or a portion of a building, for the sale of foodstuffs and convenience goods to serve the needs of the surrounding residents and the traveling public.

Hazard Land – land which may be prone to flooding, slumping, subsidence, landslides, erosion, any other instability, or is located within the flood plain of a river, stream or lake.

Home Based Business – an occupation carried on by the occupants of a residence or agricultural operation and is a use secondary to the permitted use.

Hotel – a building which provides sleeping accommodation for which a fee is charged and may also contain commercial uses, facilities or services such as a restaurant, dining room, room service or convention room.

Highway Sign Corridor – a strip of land parallel and adjacent to a provincial highway; where private signs may be permitted to advertise goods and services of local area businesses and attractions, as provided by regulations of the Ministry of Saskatchewan Highways and Infrastructure entitled *The Erection of Signs Adjacent to Provincial Highway Regulations, 1986*, as may be amended or replaced from time to time.

Intensive Agricultural Operation – a principal use that produces a crop that is grown in buildings or under structures, using hydroponic techniques, or by use of intensive irrigation and fertilizer application, but not including an intensive livestock operation.

Intensive Livestock Operation - the operation or facilities for the confinement or feeding of poultry, hogs, sheep, bison, goats, cattle, horses, or domesticated game animals where the site provides less than 370 m^2 of space for each animal unit and will contain 100 or more animal units.

Junked Vehicles – any automobile, tractor, truck, trailer or other vehicle that:

(a) has no valid license plate

(b) is in rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition

(c) is not contained within a permitted building

(d) does not form part of a permitted business

Kennel - development used for the breeding, boarding, caring or training of dogs. Typical facilities include dog boarding and dog training establishments, and animal rescue homes.

Liquor Sales – the wholesale or retail sale or distribution to the public of any and all types of alcohol spirits/beverages.

Minister – the Minister of Government Relations, responsible for the approval of this Bylaw.

Mobile Home – a trailer coach bearing CSA Z240 certification for mobile homes (or a replacement thereof):

(a) that is used as a dwelling

(b) that has water faucets and shower, or other bathing facilities, that may be connected to a water distribution system

(c) that is equipped with facilities for washing and water closet, or other similar facility, which may be connected to a sewage system.

Modular Home – a factory built home that is manufactured as a whole or modular unit and is designed to be moved on a removable chassis to be used as one dwelling unit, and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A277 standard.

Motel – means a building or group of buildings on a site designed and operated to provide temporary accommodation and contains separate sleeping units, each of which is provided with an adjoining conveniently located parking stall.

Municipality – the Rural Municipality of Cana No.214

Non-Conforming Building – a building that is lawfully constructed or lawfully under construction, or with respect to which all required permits have been issued, at the date a Zoning Bylaw or any amendment to a Zoning Bylaw affecting the building or land on which the building is situated or will be situated becomes effective and that on the date a Zoning Bylaw or any amendment to a Zoning Bylaw becomes effective does not, or when constructed will not, comply with the Zoning Bylaw.

Non-Conforming Site – a site, consisting of one or more contiguous parcels, that, on the date a Zoning Bylaw or any amendment to a Zoning Bylaw becomes effective, contains a use that conforms to the Bylaw, but the site area or site dimensions do not conform to the standards of the Bylaw for that use.

Non-Conforming Use – a lawful specific use being made of land or a building or intended to be made of land or of a building lawfully under construction, or with respect to which all required permits have been issued, at the date the Zoning Bylaw or any amendment to the Zoning Bylaw affecting the land or building becomes effective and that on the date the Zoning Bylaw or any amendment to the Zoning Bylaw becomes effective does not, or in the case of a building under construction or with respect to which all required permits have been issued will not, comply with the Zoning Bylaw.

Outside Storage – the storing, stockpiling or accumulating of goods, equipment or material in an area that is open or exposed to the natural elements.

Pasture – a site that is used for the raising and feeding of livestock by grazing.

Permitted Use – a use or form of development rightfully allowed in a zoning district, subject to the regulations contained in this Bylaw.

Personal Service Shops – a facility for providing a service to individuals, including but not limited to barbershops, professional services, medical clinics, drycleaners, etc.

Principal Use – the main activities conducted on a site.

Principal Building – the main building in which the principal use of the site is conducted.

Public Road – a road allowance or a legally surveyed road vested in the name of Ministry of Highways and Infrastructure.

Public Utility – a government or private enterprise, which provides a service to the general public, but does not include a wind energy system.

Quarter Section – a quarter Section as defined by the Township Plan of Survey in the Land Titles Office, exclusive of any registered road, road widening, or railway right of way, but including any partial quarter Section defined on the Township Plan of Survey.

Reeve – the Reeve of the Rural Municipality of Cana No. 214

Residence – a single detached dwelling, mobile home or modular home as defined in this bylaw.

School – a site, building or other premises and improvements that is utilized for the purposes of educating students with a faculty.

Sign – any writing (including letter or word), pictorial representation (including illustration or decoration), emblem (including devise, symbol or trademark), flag (including banner or pennant), or any other figure of similar character which:
is a structure or any part thereof, or is attached to, painted on, or in any manner represented on a building and is used to announce or direct attention to, or advertise and is visible from outside the building.

Site – an area of land with fixed boundaries that has been registered in the Land Titles Office by Certificate of Title, and for which all portions of the land are consolidated under a single title.

Site Line, Front or Site Frontage – the boundary that divides the site from the street or road. In the case of a corner site, the front site line shall mean the boundary separating the narrowest street frontage of the site from the street. Site frontage for a non-rectangular site shall be defined as the mean of the measured front and rear site lines.

Site Line, Rear – the boundary at the rear of the site and opposite the front site line.

Site Line, Side – a site boundary other than a front or rear site line.

Street – a public road or thoroughfare registered by plan of survey which affords the principal means of access to abutting property, but shall not include an easement or lane.

Structure – anything that is built, constructed, or erected, located in, on, or over the ground, or attached to something located in or over the ground.

Subdivision – a division of land, and includes a division of a quarter Section into legal subdivisions as described in the regulations made pursuant to *The Land Surveys Titles Act, 2000*.

Trailer Coach – any vehicle that has been modified to allow for both transportation upon public roads or highways and also be utilized as a dwelling or sleeping place for one or more persons.

Units of measure – units of measure in this Bylaw are metric abbreviated as follows:

m	- metre(s)
m^2	- square metre(s)
km	- kilometre(s)
ha	- hectare(s)
ac	- acre(s)
ft	- foot (feet)

Use – the purpose or activity for which a piece of land or its buildings are designed, arranged or intended, occupied or maintained.

Vacation Farm – an operating farm which may, on a day basis or for overnight purposes, offer a farm life experience to groups, families, or individuals and which may provide either or both of the following:

(a) rental accommodation in the farm dwelling or adjacent private cabins comprising one or more rooms furnished to enable the preparation of meals if full board is not provided

(b) a tract of land on which one or more camping, tenting or parking sites is located, where electricity, potable water and toilet facilities are provided to the persons, families, or groups occupying any of the sites.

Waste Disposal Facility, Liquid – a facility to accommodate any liquid waste from residential, commercial, institutional and industrial sources, but does not include a septic system for a single residence or farmstead, or a manure storage area for an intensive livestock operation.

Waste Disposal Facility, Solid – a facility, not including a waste transfer station or a temporary storage facility, to accommodate discarded materials, substances or objects which originated from residential, commercial, institutional and industrial sources which are typically disposed of in municipal or private landfills, but not including dangerous goods, hazardous waste or biomedical waste.

Yard – the open, unoccupied space on a parcel between the property line and the nearest wall of a building.

Yard, Front – that part of a site that extends across the full width of a site between the front site line and the nearest main wall of a building or structure.

Yard, Rear – that part of a site which extends across the full width of a site between the rear site line and the nearest main wall of a building or structure.

Yard, Required – the minimum yard required by a provision of this Bylaw.

Yard, Side – the part of a site that extends from a front yard to the rear yard between the side line of a site and the nearest main wall of a building or structure.